

REMARKS

Claims 1-26 were originally filed in the present application. In the Restriction Requirement Response mailed July 27, 2004, the Applicants elected, without traverse, to prosecute the claims of Group I (Claims 1-10). Applicants also canceled claims 11-16 in order to further their business interests and the prosecution of the present application, yet without acquiescing to the Examiner's arguments, and while preserving the right to prosecute the canceled (or similar) claims in the future.

Additionally, the Applicants canceled Claims 1-10, amended Claims 17-20, and provide new Claims 27-35. Amended Claims 17-20 and new Claims 27-35 are drawn to a seed-specific promoter and plants transformed therewith, and methods for their use to express heterologous sequences encoding protein or RNA, and thus fit within the criteria of Group 1. Amended Claims 17-20 and new Claims 27-35 do not constitute new matter. Support for amended Claims 17-20 and new Claims 27-35 is located within the Specification, for example, at page 11, lines 21-33, and page 12, lines 1-9.

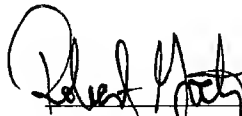
In the Office Action mailed August 6, 2004, the Examiner stated, "The reply filed on 27 July 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant failed to specify which SEQ ID NO was elected, within elected Group 1, per the Restriction Requirement mailed 30 June 2004." Office Action, page 2.

The Applicants now select to prosecute the Species of SEQ ID NO: 1 within Group 1. As this is a species election, the remaining non-elected species will be examined, should the elected species be found allowable.

As such, Claims 17-35 are pending and under examination following entry of Applicants' amendment and response to the outstanding Office Action.

Dated: _____

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